

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

COLEMAN DUPONT HOMSEY and)	
ELLEN HOMSEY,)	
)	
Plaintiffs,)	
)	C.A. No. 07-338 (JJF)
v.)	
)	
VIGILANT INSURANCE)	NON-ARBITRATION CASE
COMPANY,)	TRIAL BY JURY DEMANDED
)	
Defendant.)	

**VIGILANT INSURANCE COMPANY'S
CROSS-MOTION FOR SUMMARY JUDGMENT**

Defendant, Vigilant Insurance Company ("Vigilant" or "Defendant"), by and through its undersigned counsel, hereby opposes the Plaintiffs' Motion for Summary Judgment on the Number of Losses and Thefts (the "Motion"), and respectfully cross-moves for summary judgment to the following effect: that the coverage provision in question ("Credit cards, forgery and counterfeiting") provides an aggregate limit of \$10,000. The grounds for Vigilant's opposition and cross-motion are more fully set forth in its Answering Brief in Support of its Opposition to Plaintiffs' Motion for Summary Judgment and Cross-Motion for Summary Judgment, filed contemporaneously herewith and expressly incorporated herein by reference.

EDWARDS ANGELL PALMER & DODGE LLP

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Attorneys for Defendant

Vigilant Insurance Company

December 19, 2007

CERTIFICATE OF SERVICE

I, Denise Seastone Kraft, hereby certify that on December 19, 2007, the attached **Vigilant Insurance Company's Cross-Motion For Summary Judgment** was served on the following persons in the manner indicated and was electronically filed with the Clerk of the Court using CM/ECF:

BY TELECOPY & FIRST-CLASS MAIL

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FOR THE DISTRICT OF DELAWARE**

COLEMAN DUPONT HOMSEY and
ELLEN HOMSEY,

Plaintiffs,

v.

VIGILANT INSURANCE COMPANY,

Defendant.

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C.A. No. 07-338-JJF

ORDER

Upon consideration of Vigilant Insurance Company's Cross-Motion for Summary Judgment, **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Summary Judgment is **DENIED** and that: Defendant's Cross-Motion for Summary Judgment is **GRANTED**. **IT IS HEREBY DECLARED** that the coverage provision "Credit cards, forgery and counterfeiting" in the Chubb Masterpiece Policy no. 12680929-01 provides an aggregate limit of \$10,000.

Dated: _____, 2007/2008

UNITED STATES DISTRICT JUDGE